

Central Administrative Tribunal
Principal Bench: New Delhi.

O.A. No. 510/98

New Delhi this the 10th day of July 1998

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

Shri B.D. Gandhi,
S/O Late Shri Daulat Ram
R/o House No. 34, Housing Board
Colony, Sonipat, (Haryana).

.....Applicant

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of N.C.T. of Delhi
through: Chief Secretary,
5, Sham Nath Marg,
Delhi.
2. Director,
Directorate of Education
Old Secretariat, Delhi.
3. Deputy Director of Education
District- North
Lucknow Road: Delhi

.....Respondents

(By Advocate: Shri Vijay Pandita)

ORDER (Oral)

By Hon'ble Shri T.N. Bhat, Member (J)

Heard Shri S.K. Gupta counsel for the applicant
and Shri Vijay Pandita, counsel for the respondents.

2. Shri Pandita states that the O.A. has become
infructuous for the reason that the applicant has been
promoted to the post of Lecturer by an order dated
27.3.98. Learned counsel for the applicant admits that
the relief relating to his promotion and posting in
District North West has been granted to the applicant. It
is however further stated by the learned counsel for the
applicant that there was really no need to pass a fresh
promotion order when the applicant was already promoted in

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1997. But according to the learned counsel the other reliefs to which the applicant became entitled have still not been granted.

3. In reply, learned counsel for the respondents states that after the order of promotion issued in December 1997 the respondents discovered some errors and discrepancies in the name of the applicant, who had given his name as B.D. Gandha in some of the testimonials, and it was for this reason that a fresh order of promotion had to be issued in the month of March 1998.

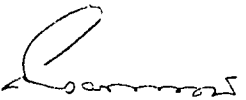
4. We have considered the rival contentions of the learned counsel for the parties and in our view even assuming that one of the reliefs prayed for by the applicant has been granted the question of granting him the consequential seniority remains to be decided. As a matter of fact we do not find any documents produced by respondents to indicate that the earlier order dated 8.12.97 by which promotion to the applicant had been granted was cancelled later. By an order dated 17.3.92 the promotion order of 8.12.97 was only modified to the extent that the applicant was nominated for posting in Distt. North West instead of District North. But so far as the main order of promotion is concerned that order continued to remain in force.

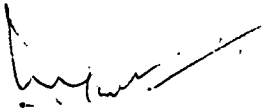
5. Considering the aforesaid facts we are convinced that the O.A. has been rendered only partly infructuous. We would accordingly hold that the respondents are required to take a decision on the question as to how the period between December 1997 and 27.3.98 is to be treated for the purposes of assigning

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seniority. We dispose of this O.A. with a direction to the respondents to take a decision in the matter after the applicant makes a detailed representation within one month from today. These directions shall be implemented within the period of two months after receipt of the representation. The decision shall be taken specifically on the question of assigning seniority of the applicant in pursuance to the earlier order passed in December 1997.

6. The O.A. stands disposed of accordingly. No costs.


(S.P. Biswas)
Member (A)


(T.N. Bhat)
Member (J)

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